UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

LEON MCGINNIS,	
)	
Plaintiff,)	
v.)	
)	
ANNIE DOOKHAN, NICOLE MEDINA,)	Civil Action No.: 1:15-CV-10234-IT
JULIE NASSIF, LINDA HAN,	
CHARLES SALEMI, and	
ELIZABETH O'BRIEN,	
)	
Defendants.	

MOTION TO EXTEND TIME WITHIN WHICH TO FILE A MOTION FOR SUBSTITUTION OF PARTIES PURSUANT TO FED. R. CIV. P. 25

NOW COMES counsel for deceased Plaintiff, Leon McGinnis and hereby moves this court extend the deadline to file a motion for substitution by 30 days from November 14, 2016 to December 14, 2016. Plaintiff in this matter, Leon McGinnis passed away unexpectedly on July 4, 2016. Mr. McGinnis's widow, Jasmine McGinnis applied for a copy of his death certificate so that she may be appointed administer of his estate. Unfortunately, it is counsel's understanding that the death certificate took over 90 days to arrive and that she did not receive it until recently. It is counsel's understand that Ms. McGinnis scheduled a court hearing to be appointed administer of Mr. McGinnis's estate but that the earliest hearing date available was next Tuesday, November 15, 2016.

Under Fed. R. Civ. P. 25 counsel must file a motion to substitute within 90 days after the service of a statement noting death. That deadline may be extended under Fed R Civ P 6(b). See Fed R Civ P 25 Notes of Advisory Committee on Rules—1963 Amendment. Counsel filed the notice of death in this matter on August 16, 2016 necessitating a motion to substitute by

November 14, 2016. Due to the delays Ms. McGinnis has encountered administering her late husband's estate counsel requests the Court grant the requested extension to preserve Ms. McGinnis's right to substitute herself as Plaintiff in this action as administer of Mr. McGinnis's estate.

Plaintiff's counsel respectfully requests that this Honorable Court extend the deadline within which to file a motion for substitution from November 14, 2016 to December 14, 2016 pursuant to Fed R Civ P 6(b).

Respectfully Submitted, The Plaintiff, By His attorney,

/s/ Michael B. Walsh

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Dated: November 10, 2016

Certificate of Service

I hereby certify that this document was Served upon defendant's counsel via electronic mail and the ECF filing system on the 10th day of November, 2016. /s/ Michael B. Walsh